

General Assembly

Raised Bill No. 5794

February Session, 2000

LCO No. 2168

Referred to Committee on Public Health

Introduced by: (PH)

An Act Concerning Athletic Trainers And Physical Therapist Assistants.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) As used in sections 1 to 7, inclusive, of this act:
- 2 (1) "Commissioner" means the Commissioner of Public Health;
- 3 (2) "Health care provider" means a person licensed to practice
- 4 medicine or surgery under chapter 370 of the general statutes,
- 5 chiropractic under chapter 372 of the general statutes, podiatry under
- 6 chapter 375 of the general statutes or naturopathy under chapter 373 of
- 7 the general statutes; and
- 8 (3) "Athletic training" means the application or provision, with the
- 9 consent and under the direction of a licensed health care provider, of
- 10 (A) principles, methods and procedures in the evaluation, prevention,
- 11 treatment and rehabilitation of athletic injuries, (B) appropriate
- 12 preventative and supportive devices, temporary splinting and bracing,
- 13 physical modalities of heat, cold, light massage, water, electric
- 14 stimulation, sound, exercise and exercise equipment, (C) the

- 15 organization and administration of athletic training programs, and (D)
- 16 education and counseling to athletes, coaches, medical personnel and
- 17 athletic communities in the area of the prevention and care of athletic
- 18 injuries.
- 19 Sec. 2. (NEW) (a) Except as provided in section 4 of this act, no
- 20 person may practice athletic training unless such person is licensed
- 21 pursuant to section 6 of this act.
- 22 (b) No person may use the title "licensed athletic trainer" or make
- 23 use of any title, words, letters or abbreviations indicating or implying
- 24 that such person is licensed to practice athletic training unless such
- 25 person is licensed pursuant to section 6 of this act.
- 26 Sec. 3. (NEW) Each person who practices athletic training shall
- make a written or oral referral to a licensed health care provider of any 27
- 28 person who has an injury whose symptoms have not improved for a
- 29 period of seven days from the day of onset, or who has any physical or
- 30 medical condition that would constitute a medical contraindication for
- 31 athletic training or that may require evaluation or treatment beyond
- 32 the scope of athletic training. The injuries or conditions requiring a
- 33 referral under this section shall include, but not be limited to,
- 34 suspected medical emergencies or illnesses, physical or mental illness
- 35 and significant tissue or neurological pathologies.
- 36 Sec. 4. (NEW) A license to practice athletic training shall not be
- 37 required of: (1) A practitioner who is licensed or certified by a state
- 38 agency and is performing services within the scope of practice for
- 39 which such person is licensed or certified; (2) a student intern or
- 40 trainee pursuing a course of study in athletic training, provided the
- 41 activities of such student intern or trainee are performed under the
- 42 supervision of a person licensed to practice athletic training and the
- 43 student intern or trainee is given the title of "athletic trainer intern", or
- 44 similar designation; (3) a person employed or volunteering as a coach
- 45 of amateur sports who provides first aid for athletic injuries to athletes
- 46 being coached by such person; (4) a person who furnishes assistance in

an emergency; or (5) a person who acts as an athletic trainer in this state for less than thirty days per calendar year and who is licensed as an athletic trainer by another state or is certified by the National Athletic Trainers' Association Board of Certification, Inc., or its successor organization.

52 Sec. 5. (NEW) (a) Except as provided in subsections (b) and (c) of 53 this section, an applicant for a license to practice athletic training shall 54 have: (1) A baccalaureate degree from a regionally accredited 55 institution of higher education, or from an institution of higher 56 learning located outside of the United States that is legally chartered to 57 grant postsecondary degrees in the country in which such institution is 58 located; (2) successfully completed (A) a course of study in athletic 59 training in a program that, at the time of the applicant's completion, 60 was accredited by the National Athletic Trainers' Association, the 61 Committee on Allied Health Education and Accreditation, or the 62 Commission on Accreditation of Allied Health Education Programs, or 63 (B) a program of study in athletic training during a period of at least 64 two calendar years, a minimum of one thousand five hundred hours of 65 athletic training experience under the supervision of an athletic trainer 66 certified by the National Athletic Trainers' Association Board of 67 Certification, Inc., or its successor organization, of which a minimum 68 of one thousand hours shall be attained at the interscholastic, 69 intercollegiate or professional sports level, and a minimum of three 70 semester credits of formal education in each of the following areas: (i) 71 Health, (ii) nutrition, (iii) psychology, (iv) human anatomy, (v) 72 kinesiology or biomechanics, (vi) human physiology, (vii) physiology 73 of exercise, (viii) basic athletic training, and (ix) advanced athletic 74 training or therapeutic modalities and rehabilitative exercise; and (3) 75 passed the national certification examination sponsored by the 76 National Athletic Trainers' Association or the National Athletic 77 Trainers' Association Board of Certification, Inc., or their successor 78 organizations.

(b) An applicant for licensure to practice athletic training by

- endorsement shall present evidence satisfactory to the commissioner
 (1) of licensure or certification as an athletic trainer, or as a person
 entitled to perform similar services under a different designation, in
 another state having requirements for practicing in such capacity that
 are substantially similar to or higher than the requirements in force in
 this state, and (2) that there is no disciplinary action or unresolved
 complaint pending against such applicant.
- (c) Before January 1, 2000, an applicant for a license to practice athletic training may, in lieu of the requirements set forth in subsection (a) of this section, present evidence satisfactory to the commissioner of (1) the continuous providing of services as an athletic trainer since October 1, 1979, or (2) certification as an athletic trainer by the National Athletic Trainers' Association Board of Certification, Inc.
- 93 Sec. 6. (NEW) The commissioner shall grant a license to practice 94 athletic training to an applicant who presents evidence satisfactory to 95 the commissioner of having met the requirements of section 5 of this 96 act. An application for such license shall be made on a form required 97 by the commissioner. The fee for an initial license under this section 98 shall be one hundred fifty dollars.
- 99 (b) A license to practice athletic training may be renewed in accordance with the provisions of section 19a-88 of the general statutes, as amended by this act. The fee for such renewal shall be one hundred dollars.
- Sec. 7. (NEW) The commissioner may adopt regulations, in accordance with chapter 54 of the general statutes, to carry out the provisions of sections 1 to 6, inclusive, of this act.
- Sec. 8. Subsection (c) of section 19a-14 of the general statutes, as amended by section 2 of public act 99-249 and section 60 of public act 99-2 of the June special session, is repealed and the following is substituted in lieu thereof:

- licensed or otherwise regulated by the Department of Public Health:
- 112 (1) Speech pathologist and audiologist;
- 113 (2) Hearing aid dealer;
- 114 (3) Nursing home administrator;
- 115 (4) Sanitarian;
- (5) Subsurface sewage system installer or cleaner;
- 117 (6) Marital and family therapist;
- 118 (7) Nurse-midwife;
- 119 (8) Licensed clinical social worker;
- 120 (9) Respiratory care practitioner;
- 121 (10) Asbestos contractor and asbestos consultant;
- 122 (11) Massage therapist;
- 123 (12) Registered nurse's aide;
- 124 (13) Radiographer;
- 125 (14) Dental hygienist;
- 126 (15) Dietitian-Nutritionist;
- 127 (16) Asbestos abatement worker;
- 128 (17) Asbestos abatement site supervisor;
- 129 (18) Licensed or certified alcohol and drug counselor;
- 130 (19) Professional counselor;

- 131 (20) Acupuncturist;
- 132 (21) Occupational therapist;
- 133 (22) Lead abatement contractor; [and]
- 134 (23) Nail technician; and
- 135 (24) Athletic trainer.
- 136 The department shall assume all powers and duties normally vested 137 with a board in administering regulatory jurisdiction over said 138 professions. The uniform provisions of this chapter and chapters 368v, 139 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a 140 and 400c, including, but not limited to, standards for entry and 141 renewal; grounds for professional discipline; receiving and processing 142 complaints; and disciplinary sanctions, shall apply, except as otherwise 143 provided by law, to the professions listed in this subsection.
- Sec. 9. Subsection (e) of section 19a-88 of the general statutes, as amended by section 61 of public act 99-2 of the June special session, is repealed and the following is substituted in lieu thereof:
- 147 (e) Each person holding a license or certificate issued under section 148 19a-514, 20-74s, as amended, 20-195cc or 20-206ll and chapters 370 to 149 373, inclusive, 375, 378 to 381a, inclusive, 383 to 388, inclusive, 393a, 150 395, 398, 399 or 400a and section 20-206n, 20-206o, [or] section 56 of 151 [this act] public act 99-2 of the June special session, or section 6 of this 152 act shall, annually, during the month of [the applicant's] such person's 153 birth, apply for renewal of such license or certificate to the Department 154 of Public Health, giving [the applicant's] such person's name in full, 155 [the applicant's] residence and business address and such other 156 information as the department requests. Each person holding a license 157 or certificate issued pursuant to section 20-475 or 20-476 shall, 158 annually, during the month of [the applicant's] such person's birth, 159 apply for renewal of such license or certificate to the department. Each 160 entity holding a license issued pursuant to section 20-475 shall,

- annually, during the anniversary month of initial licensure, apply for
- renewal of such license or certificate to the department.
- Sec. 10. Section 20-1 of the general statutes, as amended by section 1
- of public act 99-102, is repealed and the following is substituted in lieu
- 165 thereof:
- The practice of the healing arts means the practice of medicine,
- 167 chiropractic, podiatry, natureopathy and, except as used in chapters
- 168 384a and 388, [and sections 19a-16a to 19a-16c, inclusive,] the practice
- of optometry.
- Sec. 11. Subdivision (17) of subsection (b) of section 20-9 of the
- 171 general statutes is repealed and the following is substituted in lieu
- 172 thereof:
- 173 (17) Any person [performing] practicing athletic training, as
- 174 [described in section 19a-16a] <u>defined in section 1 of this act</u>.
- 175 Sec. 12. Section 20-66 of the general statutes, as amended by section
- 176 6 of public act 99-249, is repealed and the following is substituted in
- 177 lieu thereof:
- As used in this chapter, unless the context otherwise requires:
- 179 (1) "Physical therapist" means a person licensed to practice physical
- therapy in [Connecticut as defined in subdivision (2) of this section]
- 181 <u>this state</u>;
- 182 (2) "Physical therapy" means the evaluation and treatment of any
- 183 person by the employment of the effective properties of physical
- measures, the performance of tests and measurements as an aid to
- 185 evaluation of function and the use of therapeutic exercises and
- 186 rehabilitative procedures, with or without assistive devices, for the
- purpose of preventing, correcting or alleviating a physical or mental
- 188 disability. [Physical therapy] "Physical therapy" includes the
- 189 establishment and modification of physical therapy programs,

- 190 treatment planning, instruction, peer review and consultative services,
- 191 [. The term "physical therapy"] but does not include the use of
- 192 cauterization or the use of Roentgen rays or radium for diagnostic or
- 193 therapeutic purposes; [and]
- 194 (3) "Physical therapist assistant" means [(A) a graduate of a physical 195 therapist assistant program approved by the State Board of Examiners 196 for Physical Therapists, with the consent of the Commissioner of 197 Public Health, (B) a graduate of a United States physical therapy 198 school approved by the State Board of Examiners for Physical 199 Therapists, or (C) a person who has completed twenty years of 200 employment as a physical therapist assistant prior to October 1, 1989] a 201 person licensed to assist in the practice of physical therapy in this state; 202 and
- 203 (4) "Assist in the practice of physical therapy" means the treatment 204 of any person by the employment of the effective properties of 205 physical measures and the use of therapeutic exercises and 206 rehabilitative procedures, with or without assistive devices, for the 207 purpose of preventing, correcting or alleviating a physical or mental 208 disability, but does not include the interpretation of referrals, initial or 209 discharge evaluation or assessment, or determination or modification 210 or treatment or discharge plans.
- Sec. 13. Section 20-70 of the general statutes is repealed and the following is substituted in lieu thereof:
- 213 (a) (1) Any person who is a graduate of a school of physical therapy 214 approved by the [State] Board of Examiners for Physical Therapists, 215 with the consent of the Commissioner of Public Health, or has 216 successfully completed requirements for graduation from such school, 217 shall be eligible for examination for licensure as a physical therapist 218 upon the payment of a fee of two hundred twenty-five dollars. [Said 219 department] The Department of Public Health with the consent of the 220 board shall determine the subject matter of such examination, which 221 shall be designed to show proficiency in physical therapy and related

subjects, and shall determine whether such examination shall be written, oral or practical, or a combination. Passing scores shall be established by the department with the consent of the board. Warning of such examination shall be given by [said] the department not less than two weeks in advance of the date set for the examination. If the applicant passes such examination the [Department of Public Health] department shall issue to such applicant a license to practice physical therapy.

(2) Any person who is a graduate of a physical therapist assistant school approved by the Board of Examiners for Physical Therapists or an approved United States physical therapist assistant school, with the consent of the commissioner, or has successfully completed requirements for graduation from such school, shall be eligible for examination for licensure as a physical therapist assistant upon the payment of a fee of one hundred fifty dollars. The department with the consent of the board shall determine the subject matter of such examination, which shall be designed to show proficiency in physical therapy and related subjects, and shall determine whether such examination shall be written, oral or practical, or a combination. Passing scores shall be established by the department with the consent of the board. Warning of such examination shall be given by the department not less than two weeks in advance of the date set for the examination. If the applicant passes such examination the department shall issue to such applicant a physical therapist assistant license.

(b) (1) Any person who is a graduate of an approved United States physical therapy school and who has filed an application with the department may, between the dates of filing and the publication of the results of the next succeeding examination, practice as a physical therapist under the direct and immediate supervision of a licensed physical therapist in this state. If the person practicing pursuant to this [section] <u>subdivision</u> fails to pass the examination, all privileges under this [section] subdivision shall automatically cease.

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- 254 (2) Any person who is a graduate of an approved United States 255 physical therapist assistant school and who has filed an application 256 with the department may, between the dates of filing and the 257 publication of the results of the next succeeding examination, practice 258 as a physical therapist assistant under the direct and immediate 259 supervision of a licensed physical therapist in this state. If the person 260 practicing pursuant to this subdivision fails to pass the examination, 261 all privileges under this subdivision shall automatically cease.
 - (c) Any applicant <u>under this section</u> who fails to pass the examination prescribed by [said] <u>the</u> department with the consent of the board may take a subsequent examination on payment of an additional application fee.
- Sec. 14. Section 20-71 of the general statutes is repealed and the following is substituted in lieu thereof:
 - (a) The [department] Department of Public Health may issue a license to practice physical therapy without examination, on payment of a fee of two hundred twenty-five dollars, to an applicant who is a physical therapist registered or licensed under the laws of any other state or territory of the United States, any province of Canada or any other country, if the requirements for registration or licensure of physical therapists in such state, territory, province or country were, at the time of application, similar to or higher than the requirements in force in this state.
- 277 (b) The department may issue a physical therapist assistant license 278 without examination, on payment of a fee of one hundred fifty dollars, 279 to an applicant who: (1) Is a physical therapist assistant registered or 280 licensed under the laws of any other state or territory of the United 281 States, any province of Canada or any other country, if the 282 requirements for registration or licensure of physical therapist 283 assistants in such state, territory, province or country were, at the time 284 of application, similar to or higher than the requirements in force in 285 this state; (2) was eligible for registration as a physical therapist

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- assistant before the effective date of this act; or (3) as of July 1, 2000,
- 287 (A) is a graduate of an approved United States physical therapy school,
- 288 approved by the Board of Examiners for Physical Therapists, with the
- 289 consent of the Commissioner of Public Health, or (B) has completed
- 290 twenty years of employment as a physical therapist assistant prior to
- 291 October 1, 1989.
- Sec. 15. Section 20-73 of the general statutes, as amended by section
- 293 24 of public act 99-102, is repealed and the following is substituted in
- 294 lieu thereof:
- 295 (a) (1) No person may practice as a physical therapist unless
- 296 licensed pursuant to this chapter. No person may use the term
- 297 "Registered Physical Therapist", "Licensed Physical Therapist" or
- 298 "Physical Therapist" or the letters "R.P.T.", "L.P.T." or any other letters,
- 299 words or insignia indicating or implying licensure as a physical
- 300 therapist in this state unless the person is so licensed.
- 301 (2) No person may practice as a physical therapist assistant unless
- 302 <u>licensed pursuant to this chapter. No person may use the term</u>
- 303 <u>"Registered Physical Therapist Assistant"</u>, "Licensed Physical Therapist
- 304 Assistant" or "Physical Therapist Assistant" or the letters "P.T.A." or
- any other letters, words or insignia indicating or implying licensure as
- a physical therapist assistant in this state unless the person is so
- 307 licensed.
- 308 (b) The treatment of human ailments by physical therapy shall only
- 309 be performed by a person licensed under the provisions of this chapter
- 310 as a physical therapist or physical therapist assistant upon the oral or
- 311 written referral of a person licensed in this state or in a bordering state
- 312 having licensing requirements meeting the approval of the appropriate
- 313 examining board in this state to practice medicine and surgery,
- 314 podiatry, natureopathy, chiropractic or dentistry, or an advanced
- 315 practice registered nurse licensed to prescribe in accordance with
- 316 section 20-94a, as amended, or a physician assistant licensed to
- 317 prescribe in accordance with section 20-12d, as amended.

(c) Any person who violates the provisions of this section or who obtains or attempts to obtain licensure as a physical therapist or physical therapist assistant by any wilful misrepresentation or any fraudulent representation shall be fined not more than five hundred dollars or imprisoned not more than five years, or both. A physical therapist, physical therapist assistant or dentist who violates the provisions of this section shall be subject to licensure revocation in the same manner as is provided under section 19a-17, or in the case of a healing arts practitioner, section 20-45. For purposes of this section each instance of patient contact or consultation in violation of any provision of this section shall constitute a separate offense. Failure to renew a license in a timely manner shall not constitute a violation for the purposes of this section.

[(b) Each physical therapy assistant who is assisting in the practice of physical therapy under the supervision of a licensed physical therapist, as defined in section 20-66, shall, upon payment of an application fee of twenty-five dollars, register with the Department of Public Health on a form furnished by the department, giving his name in full, his residence and business addresses and such other information as the department requests. Each physical therapy assistant shall notify the department in writing within thirty days of any change in his name or residence or business addresses. A physical therapy assistant shall not practice physical therapy assisting without registering with the department pursuant to this section. The commissioner may, upon receipt of notification and investigation, assess a civil penalty of not more than one hundred dollars against any physical therapy assistant who has practiced physical therapy assisting without first registering with said department.]

Sec. 16. Section 20-73a of the general statutes, as amended by section 25 of public act 99-102, is repealed and the following is substituted in lieu thereof:

The Board of Examiners for Physical Therapists shall have

jurisdiction to hear all charges of conduct that fails to conform to the accepted standards of the practice of physical therapy brought against any person licensed as a physical therapist or physical therapist assistant and, after holding a hearing, written notice of which shall be given to the person complained of, [said] the board, if it finds such person to be guilty, may revoke or suspend such person's license or take any of the actions set forth in section 19a-17. Any proceedings relative to such action may be begun by the filing of written charges with the Commissioner of Public Health. The causes for which such action may be taken are as follows: (1) Conviction in a court of competent jurisdiction, either within or without this state, of any crime in the practice of [his] such person's profession; (2) illegal, incompetent or negligent conduct in the practice of physical therapy or in the supervision of a physical therapist assistant; (3) aiding or abetting the unlawful practice of physical therapy; (4) treating human ailments by physical therapy without the oral or written referral by a person licensed in this state or in a bordering state having licensing requirements meeting the approval of the appropriate examining board in this state to practice medicine and surgery, podiatry, natureopathy, chiropractic or dentistry; (5) failure to register with the Department of Public Health as required by law; (6) fraud or deception in obtaining a license; (7) engaging in fraud or material deception in the course of professional services or activities; or (8) violation of any provision of this chapter, or any regulation adopted [hereunder] under this chapter. The clerk of any court in this state in which a person practicing physical therapy has been convicted of any crime as described in this section shall, immediately after such conviction, transmit a certified copy, in duplicate, of the information and judgment, without charge, to the Department of Public Health, containing the name and address of the physical therapist or physical therapist assistant, the crime of which [he] the physical therapist or physical therapist assistant has been convicted and the date of conviction. The hearing on such charges shall be conducted in accordance with the regulations adopted by the Commissioner of

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384 Public Health in accordance with chapter 54. Any person aggrieved by 385 a final decision of [said] the board may appeal therefrom as provided 386 in section 4-183, as amended. Such appeal shall have precedence over 387 nonprivileged cases in respect to order of trial. The Attorney General 388 shall act as attorney in the public interest in defending against such an 389 appeal. The board may petition the superior court for the judicial 390 district of Hartford to enforce any action taken pursuant to section 391 19a-17.

Sec. 17. Section 20-74 of the general statutes, as amended by section 26 of public act 99-102, is repealed and the following is substituted in lieu thereof:

No provision of this chapter shall confer any authority to practice medicine or surgery, nor shall this chapter prohibit the incidental care of the sick by domestic servants or by persons principally employed as housekeepers or as athletic trainers, nor prohibit any person from the domestic administration of family remedies or the furnishing of assistance in the case of emergency. It shall not prohibit persons registered under the provisions of chapter 372, 373, 375 or 378 from administering care to patients, nor shall it prohibit the care of the sick with or without compensation or personal profit in connection with the practice of the religious tenets of any church by adherents thereof, provided such persons shall not otherwise engage in the practice of physical therapy or assist in the practice of physical therapy within the meaning of this chapter. It shall not prohibit students who are enrolled in schools or courses of physical therapy or physical therapist assistant programs approved by the Board of Examiners for Physical Therapists with the consent of the Commissioner of Public Health from performing such work as is incidental to their respective courses of study; nor shall it prohibit any physical therapist from another state from doing such therapist's work or other physical therapy activities as is incidental to the person's course of study when taking or giving a postgraduate course or other courses of study in this state approved by said board. [It shall not prohibit any person who is a physical therapist

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assistant from assisting in the practice of physical therapy under the supervision of a licensed physical therapist provided such assistance is limited to the treatment of a person by the employment of the effective properties of physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting or alleviating a physical or mental disability, and does not include the interpretation of referrals, initial or discharge evaluation or assessment, or determination or modification of treatment or discharge plans.] Any physical therapist who is a graduate from a school approved by [said] the board [of examiners] with the consent of the Department of Public Health but not licensed in this state may, with the approval of [said] the department and upon obtaining a temporary certificate from [said] the department, practice physical therapy in this state on a temporary basis for a period of six months, which period may be extended upon request at the discretion of the department, provided (1) such physical therapist does not claim to be licensed to practice in this state, and (2) application for licensure by examination, reciprocity or endorsement is filed with [said] the department within six months after starting such practice. Persons in the service of the federal government are excluded from the provisions of this chapter. [For the purposes of this section, supervision means the overseeing of or the participation in the work of a physical therapist assistant by a licensed physical therapist including but not limited to (1) continuous availability of direct communication between the physical therapist assistant and a licensed physical therapist; (2) availability of a licensed physical therapist on a regularly scheduled basis to (A) review the practice of the physical therapist assistant, and (B) support the physical therapist assistant in the performance of his services; and (3) a predetermined plan for emergency situations, including the designation of an alternate licensed physical therapist in the absence of the regular licensed physical therapist.]

Sec. 18. Sections 19a-16a to 19a-16c, inclusive, of the general statutes are repealed.

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Statement of Purpose:

To revise the licensing requirements for athletic trainers and to establish licensing requirements for physical therapist assistants.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]